

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Squad #6	CCRB Case #: 201504916	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/08/2015 10:54 PM	Location of Incident: Alexander Avenue between East 138th Street and East 139th Street and inside the 40th Precinct SH	Precinct: 40	18 Mo. SOL 12/8/2016	EO SOL 12/8/2016	
Date/Time CV Reported Mon, 06/08/2015 10:54 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 06/16/2015 2:08 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Willie Briggs	00362	933555	040 PCT
2. POM Randy Henriquez	08570	952842	040 PCT
3. POM Chris Goubeaud	26785	954889	PBBX
4. Officers			040 PCT
5. An officer			
6. SGT Dwayne Watson	03054	940923	040 PCT
7. POF Jennyliz Sanchez	16878	949612	040 PCT
8. SGT Pawel Lachowski	3802	940350	040 PCT
9. POM Kevin Cameron	4899	954594	PBBX
10. POM Malachi Mckenith	02680	945983	040 PCT
11. POF Adora Mojicabarry	04922	949348	040 PCT
12. CPT Charles Girven	00000	893101	040 PCT
13. POM Mariano Bulfamante	05533	953708	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fernando Rodriguez	27943	954282	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
2. POM Sonny Ramcharran	03007	954259	PBBX
3. SGT Angel Dejesus	4405	934733	PBBX
4. SGT Peter Curran	694	928139	040 PCT
5. LT Francesco Pomilla	00000	928979	040 PCT
6. POM Bryan Zeitler	11743	951462	040 PCT
7. POM Christophe Allen	14500	917218	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Dwayne Watson	Abuse: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Dwayne Watson threatened to arrest § 87(2)(b)	
B.POM Randy Henriquez	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, PO Randy Henriquez spoke rudely to § 87(2)(b)	
C.SGT Willie Briggs	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs spoke rudely to § 87(2)(b)	
D.SGT Willie Briggs	Force: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs used physical force against § 87(2)(b)	
E.POM Randy Henriquez	Force: At East 139th Street and Alexander Avenue in the Bronx, PO Randy Henriquez used physical force against § 87(2)(b)	
F.POM Kevin Cameron	Force: At East 139th Street and Alexander Avenue in the Bronx, PO Kevin Cameron used physical force against § 87(2)(b)	
G.SGT Pawel Lachowski	Force: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Pawel Lachowski used physical force against § 87(2)(b)	
H. Officers	Force: At East 139th Street and Alexander Avenue in the Bronx, officers used physical force against § 87(2)(b)	
I.CPT Charles Girven	Force: At East 139th Street and Alexander Avenue in the Bronx, Captain Charles Girven struck § 87(2)(b) with an asp.	
J.POM Chris Goubeaud	Force: At East 139th Street and Alexander Avenue in the Bronx, PO Chris Goubeaud used physical force against § 87(2)(b)	
K.POM Mariano Bulfamante	Force: At East 139th Street and Alexander Avenue in the Bronx, PO Mariano Bulfamante used physical force against § 87(2)(b)	
L. Officers	Force: At East 139th Street and Alexander Avenue in the Bronx, officers used physical force against § 87(2)(b)	
M. Officers	Force: At East 139th Street and Alexander Avenue in the Bronx, officers struck § 87(2)(b) with asps.	
N. Officers	Force: At East 139th Street and Alexander Avenue in the Bronx, officers used physical force against § 87(2)(b) and § 87(2)(b)	
O. An officer	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
P.SGT Pawel Lachowski	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Pawel Lachowski spoke rudely to § 87(2)(b)	
Q.CPT Charles Girven	Abuse: At East 139th Street and Alexander Avenue in the Bronx, Captain Charles Girven threatened to arrest § 87(2)(b)	
R. An officer	Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)	
S. An officer	Force: Inside the 40th Precinct stationhouse, an officer used physical force against § 87(2)(b)	
T.SGT Dwayne Watson	Abuse: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson threatened to arrest § 87(2)(b)	
U.SGT Dwayne Watson	Discourtesy: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson spoke rudely to § 87(2)(b)	
V.POF Adora Mojicabarry	Discourtesy: Inside the 40th Precinct stationhouse, PO Adora Mojica-Barry spoke rudely to § 87(2)(b)	
W.SGT Willie Briggs	Abuse: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs threatened to arrest § 87(2)(b)	
X.POF Jennyliz Sanchez	Discourtesy: Inside the 40th Precinct stationhouse, PO Jennyliz Sanchez spoke rudely to § 87(2)(b)	
Y.POM Malachi Mckenith	Off. Language: Inside the 40th Precinct stationhouse, PO Malachi McKenith made remarks regarding the socioeconomic status of § 87(2)(b) and § 87(2)(b)	

Case Summary

On June 8, 2015, at 10:54 p.m., § 87(2)(b) called 911 to file a complaint about this incident and was forwarded to IAB. On June 8, 2015, at 11:50 p.m., Sgt. Briggs of the 40th Precinct also called IAB to report this incident. On June 16, 2015, this complaint was referred to the CCRB.

On June 8, 2015, at approximately 10:30 p.m., § 87(2)(b) and § 87(2)(b) who are twin sisters, became involved in a dispute with a taxi driver, identified by the investigation as § 87(2)(b) drove § 87(2)(b) and § 87(2)(b) to the 40th Precinct stationhouse. Two officers, only one of whom the investigation was able to identify, Sgt. Dwayne Watson, mediated the dispute between § 87(2)(b) and § 87(2)(b). In the course of mediating this dispute, Sgt. Watson told § 87(2)(b) in reference to § 87(2)(b) “Tell your sister to shut up before she gets arrested.” (**Allegation A**)

The officers left after mediating the dispute. § 87(2)(b) and § 87(2)(b) were upset that the officers had refused to file a criminal complaint against § 87(2)(b) and called several family members to the vicinity of the 40th Precinct stationhouse, or Alexander Avenue between East 138th Street and East 139th Street in the Bronx: § 87(2)(b) and § 87(2)(b). Sgt. Briggs and his operator, PO Henriquez, approached the group. PO Henriquez and Sgt. Briggs both allegedly told the group, “Get the fuck off the block.” (**Allegations B and C**) Additional officers, including PO Cameron, Lt. Pomilla, and PO Sanchez began to gather at this time.

The group began to disperse northbound on Alexander Avenue towards East 140th Street, but § 87(2)(b) and § 87(2)(b) decided to turn back. When § 87(2)(b) returned to the southwest corner of Alexander Avenue and East 139th Street, Sgt. Briggs and PO Henriquez both said, “You can’t come back to this fucking block,” or, “You can’t fucking go this way.” (**subsumed under Allegations B and C**) Sgt. Briggs requested additional units via radio at this time.

Sgt. Briggs, PO Henriquez, and PO Cameron then pushed § 87(2)(b) against Sgt. Lachowski’s personal vehicle parked at the curb (**Allegations D, E, and F**). Sgt. Lachowski, who was in his personal vehicle awaiting the start of his tour, exited his vehicle and punched § 87(2)(b) (**Allegation G**). Sgt. Briggs, PO Henriquez, and PO Cameron then brought § 87(2)(b) onto the ground (**subsumed under Allegations D, E, and F**). Unidentified officers allegedly kicked and kned § 87(2)(b) (**Allegation H**). Captain Girven, who responded to Sgt. Briggs’ request for additional units, allegedly struck § 87(2)(b) with an asp (**Allegation I**).

§ 87(2)(b) and § 87(2)(b) returned the scene. § 87(2)(b) called § 87(2)(b)’s parents, § 87(2)(b) and § 87(2)(b) to the scene. When § 87(2)(b) arrived, PO Goubeaud and PO Bulfamante, as well as unidentified officers, allegedly brought § 87(2)(b) to the ground, kicked him, and punched him (**Allegation J, K, and L**). Unidentified officers allegedly struck § 87(2)(b) with an asp (**Allegation M**).

Unidentified officers brought § 87(2)(b) to the ground and dragged him along the pavement, while unidentified officers pushed § 87(2)(b) onto a vehicle and kicked him (**Allegation N**). An unidentified officer told § 87(2)(b) “Y’all don’t fucking listen.” (**Allegation O**). Sgt. Lachowski told § 87(2)(b) “Shut the fuck up and back up” (**Allegation P**), while Captain Girven told her, “Get off the block or I’m going to arrest all of y’all” (**Allegation Q**). An unidentified female officer told § 87(2)(b) “Get the fuck off the block” (**Allegation R**).

Inside the 40th Precinct stationhouse, an unidentified officer shoved § 87(2)(b) so that she made contact with the front desk (**Allegation S**). When § 87(2)(b) went into the stationhouse to inquire about her relatives, Sgt. Watson said, “Get out before we arrest you. Get the fuck out.” PO Mojica-Barry said, “Get the fuck out” (**Allegation T, U, and V**).

When § 87(2)(b) left the 40th Precinct stationhouse, she retrieved an umbrella belonging to § 87(2)(b) which she found lying in the street. Sgt. Briggs approached and told her, “If you don’t give me the umbrella, I’m going to arrest you.” (**Allegation W**).

In the holding cells of the 40th Precinct stationhouse, PO Jennyliz Sanchez allegedly approached § 87(2)(b) and told her, “I don’t give a fuck. Give me your fucking money.” (**Allegation X**).

In the holding cells of the 40th Precinct stationhouse, PO Malachi McKenith approached the holding cells and referred to § 87(2)(b) and § 87(2)(b) as “hoodlums.” (**Allegation Y**)

Both § 87(2)(b) (BR 01) and § 87(2)(b) (BR 02-06) provided video files they recorded of this incident. However, none of the video files they provided depict misconduct (see summary at BR 07).

§ 87(2)(b) was arrested and charged with resisting arrest, obstructing governmental administration in the second degree, riot in the second degree, criminal mischief: intent to damage property, unlawful assembly, and disorderly conduct: refusing to move on (BR 08). § 87(2)(b)

§ 87(2)(b) was arrested and charged with resisting arrest, obstructing governmental administration in the second degree, riot in the second degree, unlawful assembly, and disorderly conduct: refusing to move on (BR 09). § 87(2)(b)

§ 87(2)(b) was arrested and charged with obstructing governmental administration in the second degree, riot in the second degree, unlawful assembly, menacing in the third degree, and disorderly conduct: refusing to move on (BR 10). § 87(2)(b) (BR 11) and § 87(2)(b) (BR 12) were arrested and both charged with obstructing governmental administration in the second degree, riot in the second degree, unlawful assembly, and disorderly conduct: refusing to move on.

§ 87(2)(b) was released from the 40th Precinct stationhouse with a summons for disorderly conduct: fight/violent behavior (BR 13). § 87(2)(b) was released from the 40th Precinct stationhouse with a summons for disorderly conduct: refusal to disperse (BR 14).

Mediation, Civil, and Criminal Histories

- This case was mediation ineligible due to the arrests.
- As of September 30, 2015, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with respect to this incident (BR 15).
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- § 87(2)(g) [REDACTED]
[REDACTED]
- Sgt. Watson has been a member of the service for 9 years. There are three prior CCRB allegations against Sgt. Watson from three complaints which occurred between 2006 and 2013.
- Sgt. Briggs has been a member of the service for 11 years. There are three prior CCRB allegations against Sgt. Briggs from two complaints, both of which occurred in 2014. In case 201405652, it was alleged that Sgt. Briggs said, “Who the fuck is she?” and, “Bullshit.” This allegation was closed as unsubstantiated. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Henriquez has been a member of the service for 3 years. There are two prior CCRB allegations against PO Henriquez from another case which occurred in 2015. The dispositions of these allegations are still pending.
- PO Cameron has been a member of the service for 2 years. This is the first CCRB allegation against him.
- Sgt. Lachowski has been a member of the service for 9 years. There is one prior CCRB allegation against him from a case that occurred in 2006.
- Captain Girven has been a member of the service for 28 years. There are four prior allegations against him across three cases, which occurred in 1989, 1992, and 2001.
- PO Goubeaud has been a member of the service for 2 years. This is the first CCRB allegation against him.
- PO Bulfamante has been a member of the service for 2 years. There is one prior CCRB allegation against him from 2014.
- PO Sanchez has been a member of the service for 5 years. There are three prior allegations against her stemming from one complaint in 2012.
- PO Mojica-Barry has been a member of the service for 5 years. This is the first CCRB allegation against her.
- PO McKenith has been a member of the service for 7 years. There are 20 CCRB allegations against him across 7 cases, the following of which were substantiated:
 - In CCRB case 201308493, allegations of threat of arrest and offensive language were substantiated. The Board recommended instructions and the NYPD penalty was command discipline B as well as instructions.

- In CCRB case 201400407, an allegation of physical force was closed as substantiated. The Board’s recommendation, and the NYPD penalty, was Command Discipline B.

Allegations Not Pleaded

- **Discourtesy and Threat of Arrest:** In his in-person statement, § 87(2)(b) alleged that Sgt. Briggs and PO Henriquez told § 87(2)(b) “Shut the fuck up. I’ll arrest you if you don’t clear the block.” Because § 87(2)(b) did not herself allege this, no corresponding allegation has been pleaded. In her telephone statement, § 87(2)(b) alleged that both Sgt. Briggs and PO Henriquez told the group, “Get off the block before you get arrested.” Because § 87(2)(b) did not repeat this in her in-person statement, this allegation has not been pleaded. Additionally, in his telephone statement § 87(2)(b) alleged that Sgt. Briggs told § 87(2)(b) and § 87(2)(b) “Bitch, go that way.” Because § 87(2)(b) and § 87(2)(b) did not allege this, this allegation has not been pleaded.
- **Interference with recording:** § 87(2)(b) felt that officers used physical force against him only because he was recording the incident. § 87(2)(b), § 87(2)(g)
§ 87(2)(b), as he refused numerous orders to disperse from the incident location. As such, no corresponding allegation has been pleaded.
- **Property Damage:** § 87(2)(b) alleged that his glasses broke from the manner in which Sgt. Lachowski punched him. As this was incidental to Sgt. Lachowski’s punch, this allegation has been subsumed under Allegation G and is not separately pleaded.
- **Restricted breathing:** § 87(2)(b) said that he was winded during the struggle from the manner in which he landed on the ground. Because this was incidental to his being brought to the ground, and because § 87(2)(b) could not tell which officers brought him to the ground, this allegation has been subsumed under Allegation H and is not separately pleaded.
- **Force:** In her in-person statement, § 87(2)(b) said she was holding a metal comb in her hand during this incident. An unidentified officer told her it could be used as a weapon and to give it to him. When § 87(2)(b) did not, this officer twisted her wrist until she released her grip on the comb. As this use of force is minor and resulted in no injuries, this allegation has not been pleaded.
- **Discourtesy:** In her in-person statement, § 87(2)(b) alleged that an officer told § 87(2)(b) “Back the fuck up,” and, “Shut the fuck up.” Because § 87(2)(b) did not himself allege this, this allegation has not been pleaded.
- **Force:** § 87(2)(b) and § 87(2)(b) all alleged that officers pushed them back from where § 87(2)(b) was being placed under arrest. If this use of force did in fact occur, it is clear from the context that it was done only to encourage the crowd to disperse and to establish control of a chaotic melee. The physical force was also minor and resulted in no injuries. As such, no corresponding allegation has been pleaded.
- **Force:** In her telephone statement, § 87(2)(b) alleged that officers brought her to the ground, but retracted this in her in-person statement. This allegation has therefore not been pleaded.
- **Force:** § 87(2)(b) alleged that in the course of affecting her arrest, officers brought her onto the ground, resulting in no injuries. This use of physical force is so minor that it does not rise to the level of misconduct and has not been pleaded.

- **Force:** § 87(2)(b) alleged that officers pushed her against the side of a vehicle to handcuff her, resulting in no injuries. This use of physical force is so minor that it does not rise to the level of misconduct and has not been pleaded.
- **Force:** § 87(2)(b) alleged that an officer physically pushed § 87(2)(b) out of the 40th Precinct stationhouse. Because § 87(2)(b) did not herself allege this, no corresponding allegation has been pleaded.
- **Threat of force:** § 87(2)(b) alleged that PO McKenith in the holding cells of the 40th Precinct stationhouse told § 87(2)(b) “I’ll fuck you up. We’ll go someplace. Just wait until I get my uniform off.” Because § 87(2)(b) did not himself allege this, this allegation has not been pleaded.

Potential Issues

- § 87(2)(b) scheduled to provide an in-person statement on July 8, 2015, but missed this appointment without providing cancellation notice. § 87(2)(b) rescheduled his appointment for July 10, 2015, but again missed this second appointment without providing cancellation notice. As such, no in-person statement was obtained from him.
- Five calls were placed to § 87(2)(b). During the first four calls, the undersigned reached a family member, who promised to have § 87(2)(b) contact the CCRB. During the fifth call, the undersigned reached § 87(2)(b) who scheduled to provide an in-person statement on July 13, 2015, but missed this appointment without providing cancellation notice. Therefore no in-person statement was obtained from him.
- Five calls were placed to § 87(2)(b). During the first four calls, the undersigned left voice messages for § 87(2)(b). During the fifth call, the undersigned reached § 87(2)(b) who scheduled to provide an in-person statement on July 15, 2015. § 87(2)(b) missed this appointment without providing cancellation notice. Therefore no in-person statement was obtained from her.
- Attempts to contact other prisoners in the 40th Precinct holding cells who might have witnessed this incident as per the prisoner holding pen roster (BR 27) and command log (BR 28), § 87(2)(b) and § 87(2)(b) were not successful.
- Field Work was conducted for this case, and resulted in neither witnesses nor additional video footage (BR 26).

Results of Investigation

Officer Identification

- Both § 87(2)(b) and § 87(2)(b) described the officer who threatened to arrest § 87(2)(b) as a black male, 5’5” to 5’8” tall, in his early 30s or 40s, with average build and glasses. § 87(2)(b) and § 87(2)(b) were both unsure as to whether or not this officer was uniformed. This officer was with a second officer, whom neither § 87(2)(b) nor § 87(2)(b) could describe.
§ 87(2)(b) said that when § 87(2)(b) was released from the 40th Precinct stationhouse with a summons, § 87(2)(b) and § 87(2)(b) remained standing outside of the 40th Precinct stationhouse, at which time the same officer who cursed at § 87(2)(b) behind the front desk, identified by the investigation as Sgt. Dwayne Watson, exited the stationhouse. § 87(2)(b) accused him of failing to take her criminal complaint. § 87(2)(b) consequently assumed that Sgt. Watson was the officer who had mediated § 87(2)(b)’s dispute with the cab driver, though she did not herself witness this interaction.

Review of the 40th Precinct Roll Call for tour 3 of June 8, 2015, and tour 1 of June 9, 2015 (BR 29), and interrupted patrol log (BR 30) revealed only two officers who

might have loosely matched this description: PO Christopher Allen, a black male, 6'1" tall, 205 pounds, with salt and pepper hair and brown eyes, who wears glasses, and Sgt. Dwayne Watson, a black male, 5'9" tall, 145 pounds, with black hair and brown eyes, who does not wear glasses, both of whom denied having any involvement in this aspect of the incident. There is no documentation of this part of the incident. However, as per § 87(2)(b)'s statement, and a lack of any other officers listed on the 40th Precinct Roll Call matching this description, a preponderance of the evidence indicates that Sgt. Watson was the officer who threatened § 87(2)(b) with arrest. As such, this allegation has been pleaded against him.

- § 87(2)(b) identified PO Henriquez and Sgt. Briggs as the officers who approached the group and used profanity, having read their names from their uniforms. As such, these allegations are pleaded against them.
- PO Henriquez, Sgt. Briggs, Sgt. Lachowski, and PO Cameron acknowledged using some level of physical force against § 87(2)(b). Captain Girven acknowledged using his asp against him. However, § 87(2)(b) could not tell which of the officers involved in his arrest allegedly kicked or kneed him once he was on the ground, and no officer acknowledged doing so. As such, an additional allegation has been pleaded against 'officers' of an unknown command.
- Both PO Goubeaud and PO Bulfamante acknowledged using physical force against § 87(2)(b) by bringing him to the ground. As such, allegations of physical force have been pleaded against them. § 87(2)(b) could not describe any of the officers who punched or kicked him or struck him with asps, and no officer acknowledged committing these allegations. Allegations of physical force and asp strikes have consequently been pleaded against 'officers' of an unknown command.
- Neither § 87(2)(b) nor § 87(2)(b) provided in-person statements. Without their cooperation, the investigation could not identify the officers who allegedly used physical force against them. An allegation of physical force has therefore been pleaded against 'officers' of an unknown command.
- § 87(2)(b) alleged that a uniformed, white, female officer, 5'4" to 5'5" tall, in her mid-30s, with black hair, said, "Get the fuck off the block." Because there were multiple officers working at the time of this incident who could potentially match this description, and as no officer acknowledged making this statement, this allegation has been pleaded against 'an officer' of the 40th Precinct.
- § 87(2)(b) alleged that an officer in a white-shirted uniform, 5'5" tall, 40 to 50 years old, with average build, and receding blond hair, said to the crowd, "Get off the block or I'm going to arrest all of y'all." As Captain Girven, a white male, 49 years old at the time of this incident, 5'10" tall, 180 pounds, with blond hair worn in a short crew cut and blue eyes, most closely matches this description, this allegation has been pleaded against him.
- § 87(2)(b) alleged that a white male officer with reddish blond hair, 40 to 50 years old, with muscular build, in casual plainclothes, around 5'7" tall, said, "Shut the fuck up and back up." As this officer matches the description of Sgt. Lachowski, this allegation has been pleaded against him.
- In her telephone statement, § 87(2)(b) alleged that an officer, described as a white male, 6'0" tall, with slim build, in his late 40s or 50s, with salt and pepper hair and wearing plainclothes, said, "Y'all don't fucking listen," to the group. As this officer could not be identified, this allegation has been pleaded against 'an officer.'
- § 87(2)(b) described the officer who pushed her inside the 40th Precinct stationhouse as a white male, wearing a white-shirted uniform, in his 40s, about 5'6" to 5'9" tall, with muscular build. This description could equally refer to Captain Girven,

described above, or to Lt. Pomilla, a white male, § 87(2)(b) old at the time of this incident, 5'7" tall, 170 pounds, with a bald head and blue eyes. Without further evidence, the investigation cannot identify this officer conclusively. As such, this allegation has been pleaded against 'an officer' of the 40th Precinct.

- § 87(2)(b) alleged that she was told by both a black male and Hispanic female officer behind the front desk of the 40th Precinct stationhouse, "Get out before we arrest you. Get the fuck out." As the command log (BR 28) reflects that Sgt. Watson, a black male, was the desk officer at the time § 87(2)(b) entered the stationhouse, and that PO Mojica-Barry, a Hispanic female, was the telephone switchboard operator, which is also near the front desk, these allegations have been pleaded against them.
- Although Sgt. Briggs denied threatening to arrest § 87(2)(b) he acknowledged that he attempted to take § 87(2)(b)'s umbrella from her. An allegation of threat of arrest has therefore been pleaded against him.
- Although PO Sanchez denied cursing at § 87(2)(b) she acknowledged visiting her in the holding cells to retrieve money from her. As such, an allegation of discourtesy has been pleaded against her.
- Although PO McKenith denied referring to all civilians in the holding cells as "hoodlums," he is the only officer who matches the provided description of a black or Dominican male officer in his 30s, 6'5" tall, with muscular build, in a uniform, who may have been wearing a kufi or yarmulke on his head. As such, this allegation has been pleaded against him.

Allegation A – Abuse of Authority: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Dwayne Watson threatened to arrest § 87(2)(b)

Both § 87(2)(b) (BR 31 and 32) and § 87(2)(b) (BR 31 and 33) said they became involved in a dispute with a cab driver, identified by the investigation as § 87(2)(b) after he took them on a route they did not wish to take and refused to pay him. § 87(2)(b) then drove them to the 40th Precinct stationhouse.

§ 87(2)(b) and § 87(2)(b) both said that they wanted to file a criminal complaint against § 87(2)(b) claiming that he had ripped § 87(2)(b)'s headphones from her ear and flung them away, and became upset when the two officers mediating their dispute refused to do so. Both § 87(2)(b) and § 87(2)(b) acknowledged that they were being loud, and were refusing to pay the cab driver. Both alleged that an officer made some statement to the effect that if § 87(2)(b) did not calm down § 87(2)(b) would be arrested. § 87(2)(b) and § 87(2)(b) reported multiple different phrasings the officer used in doing so: "If § 87(2)(b) doesn't shut up, she's going to be arrested," (BR 31), "Tell your sister to shut up before she gets arrested," (BR 31), "Tell your sister to be quiet before I lock her up," (BR 32), or, "You better get your sister before I lock her up." (BR 33)

§ 87(2)(b) in his telephone statement (BR 34) said that § 87(2)(b) and § 87(2)(b) refused to pay him because they felt he was ripping them off. They also denied having sufficient cash on their persons to pay the fare, as the fare was not yet at \$15, the minimum to pay with a card. § 87(2)(b) and § 87(2)(b) became irate and were screaming at § 87(2)(b) drove them to the 40th Precinct stationhouse, where two officers, both of whom § 87(2)(b) described as black males, spoke with § 87(2)(b) and § 87(2)(b) threatened to call her family to the 40th Precinct stationhouse, and an officer warned § 87(2)(b) not to do so. § 87(2)(b) did not hear any officer threaten to arrest § 87(2)(b) but noted that he may not have been able to hear this even if it was said, as § 87(2)(b) and § 87(2)(b) were screaming so loudly.

Sgt. Watson (BR 35) denied mediating a dispute between § 87(2)(b) and § 87(2)(b) and a cab driver. Sgt. Watson denied making any threat to arrest any civilian.

An officer commits an abuse of authority when he threatens to make an arrest for which he lacks probable cause. PD v. § 87(2)(b) OATH Case 75419/00 (2001) (BR 36)

§ 87(2)(b), § 87(2)(g)

Allegation B – Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, PO Randy Henriquez spoke rudely to § 87(2)(b)

Allegation C – Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs spoke rudely to § 87(2)(b)

It is undisputed that § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) all gathered on Alexander Avenue between East 138th Street and East 139th Street. It is undisputed that they were speaking loudly and were upset.

In his telephone statement (BR 37), § 87(2)(b) said that officers, identified by the investigation as Sgt. Briggs, PO Henriquez, PO Cameron, and Lt. Pomilla, approached the group and asked what was going on, and that the group replied that everything was fine. Sgt. Briggs and PO Henriquez then told the group, “You can’t come back to this fucking block.”

§ 87(2)(b) and his group dispersed north on Alexander Avenue until § 87(2)(b) realized that he needed to walk back towards the 40th Precinct stationhouse to get to the train to go to work. § 87(2)(b) walked back with § 87(2)(b) and § 87(2)(b). When § 87(2)(b) returned, PO Henriquez told him, “Go around.” When § 87(2)(b) tried to walk around PO Henriquez, PO Henriquez said, “You can’t fucking go this way.”

In his in-person statement (BR 38), § 87(2)(b) said that Sgt. Briggs and PO Henriquez upon approach asked the group if everything was okay. The group assured him that the situation was under control, and that they were leaving, albeit extremely slowly. After about three minutes, PO Henriquez took a “nasty tone,” and said, “Get off the block.” After another two minutes elapsed without the group dispersing, PO Henriquez said, “Get the fuck off the block.” When § 87(2)(b) turned back to the 40th Precinct stationhouse, PO Henriquez again repeated, “Get the fuck off the block.”

In her telephone statement (BR 31), § 87(2)(b) alleged that when Sgt. Briggs and PO Henriquez initially approached the group they both said, “Get the fuck out of here. What the fuck y’all want to do?” When § 87(2)(b) turned back to the 40th Precinct stationhouse, § 87(2)(b) followed him at a slight distance, at which time § 87(2)(b) could hear officers saying, “Get the fuck out of here,” and “What the fuck are y’all doing back over here?” § 87(2)(b) could not tell which officers were speaking at this time. In her in-person statement (BR 32), § 87(2)(b) alleged that upon initial approach Sgt. Briggs alone said, “Get the fuck out of here. Get the fuck off the block,” and that when § 87(2)(b) turned back to the 40th Precinct stationhouse, an officer – again, she could not tell which – said, “Get the fuck out of here. Go walk around to the train station. What the fuck are you doing here?”

In her telephone statement (BR 31), § 87(2)(b) said that when Sgt. Briggs and PO Henriquez initially approached the group, Sgt. Briggs alone said, “Get off the block. Get the fuck off the block.” When § 87(2)(b) turned back to the 40th Precinct stationhouse, § 87(2)(b) heard Sgt. Briggs again say, “Get the fuck off the block.” In her in-person statement (BR 33), § 87(2)(b) said

that Sgt. Briggs said, “Get the fuck off the block,” and said she was unsure if any officer used profanity towards § 87(2)(b) when he returned to the 40th Precinct stationhouse.


In her telephone statement (BR 39), § 87(2)(b) alleged that both Sgt. Briggs and PO Henriquez said, “Get the fuck off the block. Get the fuck out of here.” In her in-person statement (BR 40), § 87(2)(b) alleged that PO Henriquez said, “Get the fuck off the block. Move your asses...I don’t give a fuck. Get the fuck off the block.” § 87(2)(b) did not corroborate that any officer used profanity when § 87(2)(b) turned back to the 40th Precinct stationhouse.

In his telephone statement (BR 41), § 87(2)(b) alleged that both Sgt. Briggs and PO Henriquez told the group, “Get the fuck off the block.” § 87(2)(b) did not corroborate that any officer used profanity towards § 87(2)(b) when he returned to the 40th Precinct stationhouse.

In her telephone statement (BR 42), § 87(2)(b) alleged that upon initial approach Sgt. Briggs told the group, “Get the fuck away,” and that when § 87(2)(b) returned to the 40th Precinct stationhouse, Sgt. Briggs said, “Didn’t I tell y’all to get the fuck away?”

In his telephone statement (BR 43), § 87(2)(b) alleged that Sgt. Briggs upon initial approach told the group, “Get the fuck out of here.” § 87(2)(b) also alleged that when § 87(2)(b) returned to the 40th Precinct stationhouse, Sgt. Briggs said, “Fuck that. Go the fuck around.”

§ 87(2)(b) (BR 44 and 45) and § 87(2)(b) (BR 46) were not on scene to witness this aspect of the incident. § 87(2)(b) had departed the scene by this juncture (BR 34).

§ 87(2)(b) began recording this encounter only after he returned to the 40th Precinct stationhouse. No profanity or other misconduct is depicted in the video footage (BR 01 ).

Sgt. Briggs (BR 47) said he was in his RMP parked outside of the 40th Precinct stationhouse with PO Henriquez when he first observed § 87(2)(b) and his group. The group was arguing loudly amongst themselves. Sgt. Briggs noted that the entire block of Alexander Avenue between East 138th Street and East 139th Street is reserved for police vehicle parking. As the group argued, Sgt. Briggs heard, but did not see, what sounded like an individual banging on a vehicle. Fearing that the group might damage a vehicle, Sgt. Briggs decided to approach them. Sgt. Briggs and PO Henriquez approached the group and told them more than five times over the course of multiple minutes, “Leave. Clear the block.” The group was initially combative, saying, “Fuck you, officer, you ain’t shit,” and, “I’ll fuck you up. Take off your uniform,” but gradually began to disperse. When § 87(2)(b) and § 87(2)(b) returned, Sgt. Briggs told them “You must disperse. You cannot come here. Turn around and go about your business.” Sgt. Briggs denied using profanity and denied hearing any officer do so.

PO Henriquez (BR 48) closely corroborated Sgt. Briggs’ account. PO Henriquez denied making each statement alleged by the civilians upon initial approach. PO Henriquez did not recall if he used any profanity towards § 87(2)(b) once he returned to the 40th Precinct stationhouse. PO Henriquez did not recall if, in general, he used any profanity during this encounter.

PO Sanchez (BR 49) came out of the 40th Precinct stationhouse as PO Henriquez and Sgt. Briggs were in the course of dispersing the group. PO Sanchez denied hearing Sgt. Briggs or PO Henriquez use profanity either as they initially dispersed the group or when § 87(2)(b) and § 87(2)(b) returned.

PO Cameron (BR 50) and Lt. Pomilla (BR 51) were also waiting in their RMP parked outside of the 40th Precinct stationhouse, and approached the group with Sgt. Briggs and PO Henriquez. PO Cameron and Lt. Pomilla generally corroborated the account of Sgt. Briggs, but neither recalled if they heard Sgt. Briggs or PO Henriquez use any profanity.

Sgt. Lachowski (BR 52) was off-duty at the time of this incident and was parked in his personal vehicle outside of the 40th Precinct stationhouse, waiting to begin his tour, when he

arrest,” and placed § 87(2)(b) s right hand into handcuffs. PO Henriquez pulled § 87(2)(b) s right arm upwards behind his back. § 87(2)(b) pulled his right arm back down. § 87(2)(b) also held his left arm away from PO Henriquez, as he still held his cell phone in this hand, and did not want anything to happen to it. § 87(2)(b) yelled for § 87(2)(b) to come take his cell phone. § 87(2)(b) approached and Sgt. Briggs pushed her backwards. Four or five officers, some of whom were identified by the investigation as PO Henriquez, Sgt. Briggs, and PO Cameron, then pushed § 87(2)(b) front-first against the rear of a vehicle parked at the curb. An officer, identified by the investigation as Sgt. Lachowski, reached across the rear of the vehicle to punch § 87(2)(b) three times on the side of his face. § 87(2)(b) believed the rear windshield wiper of the vehicle snapped when Sgt. Lachowski reached across the vehicle (in his telephone statement, § 87(2)(b) said this damage was caused by the manner in which officers pushed him against the car), causing his glasses to break. § 87(2)(b) thereafter had difficulty seeing what occurred.

The officers asked § 87(2)(b) “Why are you resisting arrest?” § 87(2)(b) denied resisting, but acknowledged that he refused officers’ attempts to bring him onto the ground. The officers – § 87(2)(b) could not tell which specifically - eventually brought § 87(2)(b) front-first onto the ground. § 87(2)(b) rolled onto his left side, at which point an officer, identified by the investigation as Captain Charles Girven, struck him on his right side of his chest and stomach with an asp. § 87(2)(b) did not actually see the asp, but felt blows from a blunt object on his chest. § 87(2)(b) then rolled back onto his front. Officers – § 87(2)(b) could not tell which – kicked him and kneed him about his back. § 87(2)(b) was then placed in handcuffs.

§ 87(2)(b) did not allege that he sustained any injuries as a result of this use of physical force. After § 87(2)(b) was released from Central Booking, he took a taxi to § 87(2)(b) Hospital, where he was diagnosed with swollen wrists (BR 55). No injuries are depicted in § 87(2)(b) s arrest photograph (BR 56). On June 9, 2015, § 87(2)(b) took pictures of marks to both § 87(2)(b) s wrists and hands, which he provided to the CCRB (BR 57 to 61).

§ 87(2)(b) (BR 31 and 32) and § 87(2)(b) (BR 31 and 33) generally corroborated this account, though they did not see officers striking § 87(2)(b) with any blunt object, and § 87(2)(b) did not see officers kicking or kneeing § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) indicated that § 87(2)(b) was “moving around” during his arrest.

§ 87(2)(b) (BR 39 and 40) saw officers push § 87(2)(b) against the rear of the vehicle, and saw an officer punch him. § 87(2)(b) confirmed that § 87(2)(b) called to her, and that she came within about a foot of him, and took his cell phone from him. § 87(2)(b) then walked away and did not further observe the officers’ struggle with § 87(2)(b).

By the time § 87(2)(b) (BR 44 and 45) and § 87(2)(b) (BR 46) arrived to the scene, § 87(2)(b) had already been brought to the ground. Due to the number of officers surrounding § 87(2)(b) could not see what physical force, if any, was used against him. § 87(2)(b) who was standing behind § 87(2)(b) said she saw multiple officers holding asps, but did not see them make contact with § 87(2)(b). § 87(2)(b) also said she saw officers kicking § 87(2)(b), but could not see how they were positioned relative to him or where the kicks made contact with him.

§ 87(2)(b) (BR 42) generally corroborated § 87(2)(b) s account, but while she saw an officer who she could not describe holding an asp, she did not see the asp make contact with § 87(2)(b). § 87(2)(b) (BR 43) also generally corroborated § 87(2)(b) s account, but said that Sgt. Briggs drew his asp and struck § 87(2)(b) on the back of his legs with it while § 87(2)(b) was against the vehicle. § 87(2)(b) also noted that § 87(2)(b) is “strong,” so that multiple officers had to assist in his arrest. § 87(2)(b) (BR 41) did not see how § 87(2)(b) was arrested.

Sgt. Briggs (BR 47) and PO Henriquez (BR 48) both said that § 87(2)(b) resisted his arrest by alternately holding his arms close to his body and flailing them about and pulling his torso away as Sgt. Briggs and PO Henriquez each reached for one of his arms. PO Henriquez added that § 87(2)(b) clung to the hinge of the loose end of the handcuffs, so that PO Henriquez could not

handcuff him. Sgt. Briggs and PO Henriquez pushed § 87(2)(b) against the rear of a vehicle parked at the curb to gain leverage in handcuffing him. § 87(2)(b) pushed off of this vehicle, and they moved during the course of the struggle, so that § 87(2)(b) was ultimately positioned front-first on the rear of Sgt. Lachowski's personal vehicle. § 87(2)(b) grabbed the rear windshield wiper of Sgt. Lachowski's vehicle, causing it to break. During this time, § 87(2)(b) pulled on Sgt. Briggs' arm, and § 87(2)(b) approached wielding an umbrella he carried like a baseball bat, so that Sgt. Briggs thought § 87(2)(b) was going to strike him. Sgt. Briggs pushed § 87(2)(b) back, and other, unidentified officers addressed § 87(2)(b). Sgt. Briggs and PO Henriquez denied punching, kicking, or kneeling § 87(2)(b). Neither of them remembered if he was brought to the ground or not. Neither of them drew their asps or struck § 87(2)(b) with them, or saw officers doing so.

PO Cameron (BR 50) said that he tried to assist PO Henriquez in prying § 87(2)(b)'s hand off of the hinge of the handcuffs, though he could not be more specific about where he made contact with § 87(2)(b) to do so. PO Cameron did not remember if § 87(2)(b) was brought to the ground. PO Cameron denied punching, kicking, or kneeling § 87(2)(b).

Sgt. Lachowski (BR 52) said that he exited his vehicle once Sgt. Briggs and PO Henriquez pushed § 87(2)(b) onto its trunk, as he felt the vehicle shaking. When Sgt. Lachowski exited, he saw that § 87(2)(b) was clinging to the rear windshield wiper of his vehicle with one hand. § 87(2)(b) was also flailing his arms about, kicking his legs, and screaming. Sgt. Lachowski estimated that § 87(2)(b) is about 6'4" tall and 250 pounds. § 87(2)(b) provided his own height and weight as 6'1", 237 pounds), which made the struggle with him more difficult. Sgt. Lachowski gripped the arm with which § 87(2)(b) was clinging to the windshield wiper. § 87(2)(b) pulled out of Sgt. Lachowski's grasp, breaking off a portion of the windshield wiper, which Sgt. Lachowski feared he might use as a weapon. Sgt. Lachowski reached across the rear of the vehicle to punch § 87(2)(b) in his face. Sgt. Lachowski did so only once. The punch was light, as Sgt. Lachowski had to reach far across the vehicle to punch him. Sgt. Lachowski punched § 87(2)(b) to get him to release his grip on the windshield wiper. Sgt. Lachowski noted that due to the number of officers surrounding § 87(2)(b) and his positioning relative to Sgt. Lachowski, a punch was one of the only ways for Sgt. Lachowski to reach § 87(2)(b). After this single punch, a female individual, who Sgt. Lachowski thought matched the description of § 87(2)(b) though he was not sure, grabbed him and pulled him off of § 87(2)(b). Sgt. Lachowski thereafter had no interaction with § 87(2)(b) and used no other physical force against him.

Captain Girven (BR 62) said that when he exited the 40th Precinct stationhouse, he saw § 87(2)(b) on the ground in between two vehicles with his arms tucked underneath his body as Sgt. Briggs, as well as two or three other officers, attempted to pull his arms from underneath him. Captain Girven positioned himself at § 87(2)(b)'s legs, drew his asp, and inserted it in between the crook of § 87(2)(b)'s elbow and his torso in order to pry his arms out from underneath him. This was effective, and once § 87(2)(b)'s arms were out from beneath his body, officers placed him in handcuffs. Captain Girven did not strike § 87(2)(b) with his asp, or see any officer do so.

§ 87(2)(b)'s arrest report is consistent with officers' accounts of this incident. § 87(2)(b) was charged with criminal mischief for the damage he caused to Sgt. Lachowski's vehicle (BR 08), and the broken windshield wiper was vouchered as arrest evidence (BR 63).

Officers must use the minimum force necessary to overcome resistance and effect an arrest. Patrol Guide Procedure 203-11. (BR 64)

§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

Allegation J – Force: At East 139th Street and Alexander Avenue in the Bronx, PO Chris Goubeaud used physical force against § 87(2)(b)

Allegation K – Force: At East 139th Street and Alexander Avenue in the Bronx, PO Mariano Bulfamante used physical force against § 87(2)(b)

Allegation L – Force: At East 139th Street and Alexander Avenue in the Bronx, officers used physical force against § 87(2)(b)

Allegation M – Force: At East 139th Street and Alexander Avenue in the Bronx, officers struck § 87(2)(b) with asps.

§ 87(2)(b) (BR 44 and 45) said that when he arrived to the scene, he approached § 87(2)(b) could not see § 87(2)(b) as he appeared to be on the ground and was surrounded by officers, but heard him screaming. An unidentified officer told § 87(2)(b) “You gotta move back.” § 87(2)(b) explained that he was trying to find out what was going on with § 87(2)(b). The unidentified officer told him, “I understand, but we have to get the scene under control. You can find out what happened once we get everything under control.” A second officer then approached and said, “Arrest him.” This second officer, a Hispanic male, shorter than 5’8” or 5’9”, with a slightly heavy build, and who § 87(2)(b) could not further describe, along with five or six other officers, none of whom § 87(2)(b) could describe, grabbed him, brought him front-first to the ground. Officers – § 87(2)(b) could not tell which – then punched him on his back, on his ribs, and on his legs, while other officers kicked him. § 87(2)(b) denied resisting, but later noted that he was “trying to protect himself” because he “did not know what they were trying to do.” Multiple officers struck § 87(2)(b) with what felt to him like a “blackjack,” though he could not see it, all over his body (in his telephone statement, § 87(2)(b) said an officer who he could not see struck him with a “blackjack” on his back).

§ 87(2)(b) sustained a bruise to his forehead, which he said was caused by his head making contact with the ground, scrapes to his shins and knees, scrapes to the knuckles of both hands, and lingering pain in his ribs and back. § 87(2)(b) provided a picture of this alleged bruise to his head (BR 65), scrapes to his knuckles (BR 66 and 67), and scrapes to his shins (BR 68), all of which were taken on June 9, 2015. § 87(2)(b) noted that he also suffers from eczema on his shins, which obscures the appearance of the scrapes. On June 9, 2015, after his release from police custody, § 87(2)(b) sought treatment at § 87(2)(b) Hospital (BR 69), where he complained that he was assaulted by the NYPD, and that he had back, left hip, and pain to his ribs on his right side. Abrasions were noted to both of his hands. No other injuries were noted to him.

§ 87(2)(b) (BR 31 and 32) saw four officers, none of whom she could describe, throw § 87(2)(b) onto the ground, punch him, kick him, and knee him on his back (in her telephone statement, § 87(2)(b) said she saw officers kick § 87(2)(b) in the face). § 87(2)(b) did not see what transpired between § 87(2)(b) and officers before this use of physical force.

§ 87(2)(b) (BR 31 and 33) saw § 87(2)(b) come close to where § 87(2)(b) was being arrested, and continually inch closer towards him. § 87(2)(b) told the officers, “I’m not

moving nowhere.” Multiple officers who § 87(2)(b) could not describe then brought him onto the ground. § 87(2)(b) did not see what happened to § 87(2)(b) after he was brought to the ground.

§ 87(2)(b) (BR 46) saw § 87(2)(b) speaking to a uniformed male officer that she could not otherwise describe for about 20 seconds before another officer, who she also could not describe except as a uniformed male, grab § 87(2)(b) and bring him front-first to the ground. Six or seven officers, none of whom she could identify, then kicked and punched § 87(2)(b) about his ribs and his neck. § 87(2)(b) did not see any officer strike § 87(2)(b) with an asp or other blunt object.

§ 87(2)(b) (BR 39 and 40) did not see how § 87(2)(b) was arrested.

§ 87(2)(b) (BR 42) saw uniformed male officers who she could describe bringing § 87(2)(b) to the ground, but did not otherwise see what happened to him.

§ 87(2)(b) (BR 37 and 38), § 87(2)(b) (BR 41), and § 87(2)(b) (BR 43) did not witness § 87(2)(b)'s arrest.

PO Goubeaud (BR 70) said he responded to this incident after hearing Sgt. Briggs request additional units via radio (BR 71). Upon arrival, PO Goubeaud and other officers formed a line on the sidewalk to prevent members of the crowd from coming too close to where other officers were effecting the arrest of § 87(2)(b). § 87(2)(b) came forward to the front of the crowd. PO Goubeaud and other officers extended their arms to keep § 87(2)(b) back. § 87(2)(b) repeatedly said that § 87(2)(b) was his son, and ignored multiple orders from officers to disperse. PO Goubeaud then saw § 87(2)(b) push an officer standing in front of him, who he identified as PO Bulfamante, by placing a hand on his shoulder. In one continuous motion, PO Bulfamante then grabbed the arm § 87(2)(b) was using to push him and pulled § 87(2)(b) forward before tripping him onto the ground. § 87(2)(b) landed on his side. PO Goubeaud assisted PO Bulfamante in rotating § 87(2)(b) onto his stomach by grabbing his shoulder and arm, and then gripping one of his arms to place it behind his back. § 87(2)(b) tensed his arms at his sides, but did not otherwise resist, and was handcuffed within 30 seconds. PO Goubeaud thought one or two other officers who he could not identify might have held § 87(2)(b)'s legs. PO Goubeaud denied kicking or punching § 87(2)(b) or striking him with an asp. PO Goubeaud denied seeing any officer do so. PO Goubeaud was instructed by a Sergeant who he could not identify to issue § 87(2)(b) a summons for disorderly conduct (BR 14). PO Goubeaud had no knowledge as to why § 87(2)(b) was not charged with assaulting PO Bulfamante.

PO Bulfamante (BR 72) said he was inside of the 40th Precinct stationhouse when he heard Sgt. Briggs' request for additional units. Immediately upon exiting the 40th Precinct stationhouse, PO Bulfamante saw § 87(2)(b) who was standing in between two parked vehicles, punching a uniformed officer who PO Bulfamante could not identify on his chest and rib area. PO Bulfamante approached and gripped one of § 87(2)(b)'s arms to pull it behind his back. § 87(2)(b) flailed his arms, pulling out of PO Bulfamante's grasp. A third officer, who PO Bulfamante also could not identify, assisted in handcuffing § 87(2)(b). In the course of the struggle, PO Bulfamante fell with § 87(2)(b). PO Bulfamante landed on his left shoulder. PO Bulfamante then rolled onto his stomach, grabbed § 87(2)(b)'s arm, and placed it behind his back. PO Bulfamante did not believe § 87(2)(b) provided further resistance once he was on the ground, and he was handcuffed fairly quickly thereafter. PO Bulfamante thought it unlikely that he would have taken his asp out during this situation, as he was in such close proximity to § 87(2)(b) but did not specifically recall whether or not he did, or whether he struck § 87(2)(b) with an asp. PO Bulfamante did not kick or punch § 87(2)(b) or see any officer do so. PO Bulfamante had no knowledge of why § 87(2)(b) was released with a summons for disorderly conduct and not charged with assaulting an officer.

Officers must use the minimum force necessary to overcome resistance and effect an arrest. Patrol Guide Procedure 203-11 (BR 64)

§ 87(2)(b)'s injuries, which included a bruise to his forehead from making contact with the ground, scrapes, and pain, are consistent with being brought to the ground. That

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation N – Force: At East 139th Street and Alexander Avenue in the Bronx, officers used physical force against § 87(2)(b) and § 87(2)(b)

Allegation O – Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)

§ 87(2)(b) (BR 41) in his telephone statement alleged that multiple officers brought him to the ground and dragged him along the pavement.

§ 87(2)(b) (BR 43) alleged that multiple officers pushed him against a vehicle and kicked the back of his legs.

§ 87(2)(b) (BR 42) alleged that an officer said, “Y’all don’t fucking listen,” to her.

§ 87(2)(b), § 87(2)(g)

Allegation P – Discourtesy: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Pawel Lachowski spoke rudely to § 87(2)(b)

Allegation Q – Abuse of Authority: At East 139th Street and Alexander Avenue in the Bronx, Captain Charles Girven threatened to arrest § 87(2)(b)

Allegation R – Abuse of Authority: At East 139th Street and Alexander Avenue in the Bronx, an officer spoke rudely to § 87(2)(b)

§ 87(2)(b) (BR 46) alleged that after officers began to arrest § 87(2)(b) she said, “Me and § 87(2)(b) just walked up. Why are you beating on him? He’s not well,” Sgt. Lachowski replied, “Shut the fuck up and back up.”

§ 87(2)(b) further alleged that Captain Girven then added, “Get off the block or I’m going to arrest all of y’all.”

§ 87(2)(b) (BR 39 and 40) alleged that a female officer, who, as discussed above, could not be identified, said, “Get the fuck off the block.”

Sgt. Lachowski (BR 52) and Captain Girven (BR 62), as well as all other officers interviewed, denied using profanity during this encounter or threatening to arrest any civilians.

Officers are to be courteous and respectful. Patrol Guide Section 203-09 (BR 53) According to PD v. Court (DCT no. 79627/04) (BR 54), officers may use limited profanity when necessary to gain compliance or maintain control during a stressful situation. An officer commits an abuse of authority when he threatens to make an arrest for which he lacks probable cause. PD v. § 87(2)(b) OATH Case 75419/00 (2001) (BR 36)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

Allegation S – Force: Inside the 40th Precinct stationhouse, an officer used physical force against § 87(2)(b)


§ 87(2)(b) (BR 31 and 33) alleged that an officer in a white-shirted uniform shoved her so that she made contact with the front desk.

As discussed above, the investigation was unable to conclusively identify the subject officer. § 87(2)(g)

Allegation T – Abuse of Authority: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson threatened to arrest § 87(2)(b)

Allegation U – Discourtesy: Inside the 40th Precinct stationhouse, Sgt. Dwayne Watson spoke rudely to § 87(2)(b)

Allegation V – Discourtesy: Inside the 40th Precinct stationhouse, PO Adora Mojica-Barry spoke rudely to § 87(2)(b)

§ 87(2)(b) (BR 46) said that she remained on scene after the arrests of her relatives waiting for them to be released. At some point while waiting, § 87(2)(b) alleged that she entered the 40th Precinct stationhouse to find out what happened to her relatives, at which point an officer behind the front desk, identified by the investigation as Sgt. Watson, said, “Get out before we arrest you. Get the fuck out. Get the fuck out, you can’t be here. Get the fuck out before we arrest you, too.” A female Hispanic officer behind the front desk, identified by the investigation as PO Mojica-Barry, also told § 87(2)(b) “Get the fuck out.” § 87(2)(b) recorded video footage of her exit from the 40th Precinct stationhouse (BR 02 ), but it is of no investigative value, as neither the subject officers nor the allegations are depicted.

§ 87(2)(b) (BR 39 and 40) corroborated that § 87(2)(b) entered the 40th Precinct stationhouse, but said that multiple officers who she could not describe told § 87(2)(b) “You got to leave. Move.” § 87(2)(b) did not hear any officer threaten § 87(2)(b) with arrest, or curse at her. In his telephone statement, § 87(2)(b) (BR 43) corroborated that Sgt. Watson told § 87(2)(b) “Get the fuck out.”

None of the other civilians interviewed corroborated these allegations.

The command log confirms that Sgt. Watson was the desk officer at the 40th Precinct stationhouse by 11:20 p.m., where he remained until at least 12:35 a.m. on June 9, 2015, while the defendants were escorted into the stationhouse at 10:50 p.m. (BR 28). Roll call (BR 29) reflects that PO Mojica-Barry was the telephone switchboard operator for tour one of June 9, 2015, and as per her statement (BR 73) was seated behind the front desk by approximately 11:45 p.m.

Sgt. Watson (BR 35) and PO Mojica-Barry had no recollection of § 87(2)(b) entering the 40th Precinct stationhouse. Both Sgt. Watson and PO Mojica-Barry denied threatening to arrest any civilian or using profanity towards any civilian.

§ 87(2)(b), § 87(2)(g)

Allegation W – Abuse of Authority: At East 139th Street and Alexander Avenue in the Bronx, Sgt. Willie Briggs threatened to arrest § 87(2)(b)

§ 87(2)(b) (BR 46) alleged that after leaving the 40th Precinct stationhouse, she returned to Alexander Avenue and East 138th Street and East 139th Street, and began picking up property that her relatives had dropped on the ground in the course of this incident, including a red umbrella belonging to § 87(2)(b). An officer, identified by the investigation as Sgt. Briggs, approached and requested that § 87(2)(b) provide § 87(2)(b)'s umbrella to him. When § 87(2)(b) refused, Sgt. Briggs said, "If you don't give me the umbrella, I'm going to arrest you."

Sgt. Briggs (BR 47) said that he left the 40th Precinct stationhouse to look for § 87(2)(b)'s umbrella, which he planned to voucher as evidence in support of the menacing charge against him, as he had earlier seen § 87(2)(b) wielding the umbrella "like a baseball bat" as though he was going to strike the officers attempting to arrest § 87(2)(b) with it. Sgt. Briggs and § 87(2)(b) simultaneously found and grabbed the umbrella. Sgt. Briggs said, "Ma'am, release the umbrella." § 87(2)(b) said, "Do you know who I am?" Sgt. Briggs gave several further instructions to release the umbrella, saying, "Ma'am, please let go. This is part of the precinct's investigation. This is evidence." § 87(2)(b) eventually released it. Sgt. Briggs denied threatening to arrest § 87(2)(b) but said he could have arrested her for tampering with evidence.

Property vouchers reflect that Sgt. Briggs did in fact voucher § 87(2)(b)'s umbrella as arrest evidence (BR 63).

A person is guilty of tampering with physical evidence when, believing that certain physical evidence is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, he suppresses it by any act of concealment, alteration, or destruction. NYS Penal Law § 215.40 (BR 74)

An officer commits an abuse of authority when he threatens to make an arrest for which he lacks probable cause. PD v. § 87(2)(b) OATH Case 75419/00 (2001) (BR 36)

It is undisputed that § 87(2)(b) at some juncture refused to provide Sgt. Briggs with an umbrella that Sgt. Briggs later vouchered in support of a charge against § 87(2)(b) § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation X – Discourtesy: Inside the 40th Precinct stationhouse, PO Jennyliz Sanchez spoke rudely to § 87(2)(b)

§ 87(2)(b) (BR 39 and 40) alleged that once she was lodged in the holding cells, an officer, identified by the investigation as PO Sanchez, approached § 87(2)(b) and demanded that she give her a quantity of money that she had on her person. § 87(2)(b) protested that another officer had informed her that she was allowed to keep this money in the holding cells. PO Sanchez replied, "I don't give a fuck. Give me your fucking money." When § 87(2)(b) refused, PO Sanchez again said, "Give me your fucking money." PO Henriquez then appeared, entered the holding cells, and instructed § 87(2)(b) to give PO Sanchez her money, which she eventually did.

This was not corroborated by any other civilians who were at some point lodged in the holding cells, including § 87(2)(b) (BR 37 and 38), § 87(2)(b) (BR 31 and 33), § 87(2)(b) (BR 31 and 32), § 87(2)(b) (BR 44 and 45), and § 87(2)(b) (BR 41), except for § 87(2)(b) (BR 43), who in his telephone statement said that PO Sanchez came to the holding cells and told § 87(2)(b) “Bitch, give me your money.” § 87(2)(b) did not provide an in-person statement.

As discussed above, attempts to contact other prisoners who may have been present in the holding cells to witness this allegation, including § 87(2)(b) and § 87(2)(b) were unsuccessful.

PO Sanchez (BR 49) said that when § 87(2)(b) was brought into the 40th Precinct stationhouse, an unidentified female officer searched her. PO Sanchez asked the unidentified officer how much money § 87(2)(b) had on her person. The unidentified officer informed PO Sanchez that she had found \$140 on her person, which she had not confiscated because she believed § 87(2)(b) was going to be released with a summons. PO Sanchez noted that prisoners are not permitted to have funds exceeding \$100 in the holding cells. PO Sanchez therefore approached the holding cells and told § 87(2)(b) “You can’t have that much money in there.” PO Sanchez twice requested that § 87(2)(b) give her the money so she could voucher it and § 87(2)(b) twice refused to provide it. PO Sanchez said, “If you don’t give it to me, I’m going to have to go in there and take it.” § 87(2)(b) replied, “You fucking Puerto Rican princess bitch.” PO Henriquez at this time arrived and told PO Sanchez, “Don’t worry, I got it,” and retrieved the funds from § 87(2)(b). PO Sanchez denied saying, “I don’t give a fuck. Give me your fucking money,” to § 87(2)(b).

PO Henriquez (BR 48) closely corroborated PO Sanchez’s account. PO Henriquez never heard PO Sanchez become upset with or use profanity towards § 87(2)(b) but intervened only because he had previously established rapport with the defendants and therefore felt it would be easier for him to gain their cooperation.

Officers are to voucher currency in excess of \$100 for safekeeping if the prisoner is not eligible for a desk appearance ticket. Patrol Guide Section 208-02 (BR 75)

§ 87(2)(b), § 87(2)(g)

Allegation Y – Offensive Language: Inside the 40th Precinct stationhouse, PO Malachi McKenith made remarks regarding the perceived socioeconomic status of § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) (BR 39 and 40) alleged that an hour or two after she was lodged in the holding cells with § 87(2)(b) and § 87(2)(b) PO McKenith came to the holding cells and referred to all of them as “hoodlums.”

This was not alleged by § 87(2)(b) (BR 37 and 38), § 87(2)(b) (BR 41), § 87(2)(b) (BR 31 and 33), or § 87(2)(b) (BR 43).

As per the command log (BR 28), § 87(2)(b) and § 87(2)(b) were released with summonses at 11:35 p.m. and therefore would not have been present to witness this allegation, if it did occur.

As discussed above, attempts to contact other prisoners who may have been present in the holding cells to witness this allegation, including § 87(2)(b) and § 87(2)(b) were unsuccessful.

PO McKenith (BR 76) was lodging prisoners at Bronx Central Booking until about 2:07 a.m. on June 10, 2015, at which time he returned to the 40th Precinct stationhouse to end his tour.

PO McKeith did not believe he went to the holding cells, and denied referring to civilians in the holding cells as “hoodlums.”

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]?”

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date